

FILED BY  D.C.

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

MARCUS WILLIS,

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
WD OF TN, MEMPHIS

Plaintiff,

vs.

NO. 05-2625 B/P

JURY DEMANDED

SHELBY COUNTY, TENNESSEE;
A.C. WHARTON, individually, and in
his official capacity as Mayor of Shelby County;
MARK LUTTRELL, JR., individually, and in
his official capacity as Sheriff of Shelby County;
JAMES COLEMAN, individually, and in his
Official capacity as Jail Director/Chief Jailer of
Shelby county Jail (SCJ); CORRECTIONAL
MEDICAL SERVICES, INC.; GERALD
STIPANUK, M.D., individually, and in his
official capacity as CMS Medical Director and
treating physician at SCJ; KATHERINE
MERRIWEATHER, LPN, individually and in
her official capacity as Licensed Practical Nurse
at SCJ; ALAINA SAMPLE, RN, individually, and
in her official capacity as Registered Nurse at SCJ;
VANESSA ANN DAVIS, NPC, individually, and in
her official capacity as Non Physician Clinician at SCJ;
AMY HODGE, RN, individually, and in her official
capacity as Registered Nurse at SCJ; JOHN DOE I,
Individually, and in his official capacity as guard for
SCJ; JANE ROE I, individually, and in her official capacity
as guard for SCJ; JANE ROE II, individually and in her
official capacity as call guard for SCJ,

Defendants.

[PROPOSED] RULE 16(b) SCHEDULING ORDER

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on 10-18-05

(1)

The Plaintiff, represented by Herbert Hurst, Defendants Shelby County, Mayor Wharton, Sheriff Luttrell and Chief Jailer Coleman, represented by Debra L. Fessenden, and Defendants Correctional Medical Services, Inc., and nurses Merriweather and Sample, represented by Jerry O. Potter and Bruce I. Griffey, have proposed the following dates to govern this cause:

| | |
|--|--------------------|
| INITIAL DISCLOSURES PURSUANT to the Fed. R. Civ. P. 26(a)(1): | November 1, 2005 |
| JOINING PARTIES: | December 20, 2005 |
| AMENDING PLEADINGS: | December 20, 2006 |
| INITIAL MOTIONS TO DISMISS: | January 20, 2006 |
| COMPLETING ALL DISCOVERY: | June 20, 2006 |
| DOCUMENT PRODUCTION: | June 20, 2006 |
| DEPOSITIONS, INTERROGATORIES AND REQUEST FOR ADMISSIONS: | June 20, 2006 |
| EXPERT DISCLOSURE (Rule 26): | |
| DISCLOSURE OF PLAINTIFF'S RULE 26 EXPERT INFORMATION: | April 20, 2006 |
| DISCLOSURE OF DEFENDANT'S RULE 26 EXPERT INFORMATION: | May 20, 2006 |
| EXPERT WITNESS DEPOSITIONS: | July 20, 2006 |
| FILING DISPOSITIVE MOTIONS: | September 14, 2006 |
| OTHER RELEVANT MATTERS: | None |

No depositions may be scheduled to occur after the discovery cutoff date. All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cutoff date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the service of the response, answer, or objection, which is the subject of the

motion, if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

This case is set for **jury trial**, and the trial is expected to **last three to four days**. The presiding judge will set the pretrial order date, pretrial conference date, and trial date.

This case is appropriate for ADR. The parties are directed to engage in court-annexed attorney mediation or private mediation after the close of discovery.

on or before TMP

The parties are reminded that pursuant to Local Rule 11 (a)(1)(A), all motions, except motions pursuant to Fed. R. Civ. P. 12, 56, 59, and 60 shall be accompanied by a proposed order.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties' **have not** consented to trial before the magistrate judge.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

IT IS SO ORDERED.


Tu M. Pham
United States Magistrate Judge

DATE: October 13, 2005

APPROVED:

Debra L. Fessenden
DEBRA L. FESSENDEN #011818
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Attorney for:
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Bruce L. Griffey by Debra L. Fessenden
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The Hardison Law Firm
Attorney for:
Correctional Medical Services;
Katherine Merriweather and
Alaina Sample
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901.525.8776

CERTIFICATE OF SERVICE

I, Debra L. Fessenden, do hereby certify that a copy of the foregoing has been served via U.S. Mail, postage prepaid, to Mr. Herbert Hurst, Attorney at Law, 2287 Union Avenue, Memphis, Tennessee 38104-4325; Mr. Bruce L. Griffey, Attorney at Law, 119 South Main Street, Suite 300, Memphis, Tennessee 38103, on this the 11 day of October, 2005.

Debra L. Fessenden
DEBRA L. FESSENDEN



Notice of Distribution

This notice confirms a copy of the document docketed as number 7 in case 2:05-CV-02625 was distributed by fax, mail, or direct printing on October 18, 2005 to the parties listed.

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Honorable J. Breen
US DISTRICT COURT